

## **REMARKS**

This paper is presented in response to the Office Action. By this paper, claim 12 is amended. Claims 19-25 were previously canceled. Claims 1-18 and 26-32 are pending in view of the aforementioned cancellations.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the remarks, or lack of remarks, presented herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner, and/or the merits of additional or alternative arguments.

### **II. Rejection of claims 1-8, 10-18, 26-29 and 32 under 35 U.S.C. § 103(a)**

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP § 2143*.

#### **A. rejection of claims 1-8, 10-18, 26-29 and 32**

The Examiner has rejected claims 1-8, 10-18, 26-29 and 32 under 35 U.S.C. § 103(a) as being unpatentable over US 6,456,699 to Burg et al. ("*Burg*") in view of US 5,815,153 to Isensee et al. ("*Isensee*").

Applicant respectfully disagrees with the Examiner however and submits that for at least the reasons set forth herein, the rejection should be withdrawn.

In rejecting the claims, the Examiner has asserted that *Burg* discloses "... a voice browser system (IVR system) to retrieve specified classes of information ..." *Emphasis added*. Inasmuch as claim 1 recites both "... a server that requests specified classes of information ..." (*emphasis added*) and a "voice browser," it appears that the position of the Examiner is that the "IVR system" purportedly disclosed in *Burg* corresponds with a combination of the claimed "server" and the claimed "voice browser." With more particular reference to claim 1, Applicant notes that the claimed server includes "an access module including: a correlation data structure; and a correlation module that correlates HTML code with specified classes of information using the correlation data structure ..." *Emphasis added*. With regard to the aforementioned elements, the Examiner has further asserted that "... an HTML code request that is passed to a correlating unit (within server 82 or 85) that correlates the html code with the classes of information stored in the database (Col 7 line 58 to Col 8 line 10)." Notwithstanding these various assertions, Applicant respectfully submits that the Examiner is mistaken in a number of regards.

**1. claim 1**

By way of example, the Examiner has asserted that a "correlating unit" is present "within server 82 or 85." However, the Examiner has not cited any portion of *Burg* in support of this assertion. Instead, it appears that the Examiner has simply assumed that server 82 or 85 includes such a "correlating unit." Applicant respectfully submits however that such unsupported assertions are an inadequate basis for a rejection.

Further, claim 1 does not, in any event, recite a "correlating unit." Rather, as noted above, claim 1 recites a "server" having an "access module" that includes a "correlation data structure" and a "correlation module." However, the Examiner has not established, or even asserted, that *Burg* teaches or suggests such an "access module."

In addition, it appears that the language of *Burg* contradicts the assertion of the Examiner that "... the correlating unit (within server 82 or 85) that correlates the html code with the classes of information stored in the database (Col 7 line 58 to Col 8 line 10)." In particular, the cited passage of *Burg* does not appear to discuss correlation, within server 82 or 85 or elsewhere, of html code with classes of information stored in a database. Instead, that passage states in part that "... The HTML documents and information in databases 80 and 81 are thus associated with the URLs." Moreover, it was noted above that the Examiner has not, in any event, established that server 82 or 85 includes a "correlating unit" such as could perform the purported correlation of "html code."

Further, inasmuch as the Examiner has not established that *Burg* teaches or suggests an "access module" such as is recited in claim 1, Applicant submits that, for at least the same reason, the Examiner has likewise failed to establish that *Burg* teaches or suggests "... a voice browser that converts the signal received from the first

access device into HTML code that is transmitted to the access module ...” *Emphasis added.*

Similarly, it was noted above that the Examiner has failed to establish that *Burg* teaches or suggests a server having an “access module” that includes a “correlation data structure” and a “correlation module,” such as is recited in claim 1. It accordingly follows that the Examiner has likewise failed to establish that *Burg* teaches or suggests the claim 1 limitation “... wherein the correlation module of the access module uses the correlation data structure to correlate the HTML code with a request for a specified class of information, the server requesting the specified class of information from the at least one server ...” *Emphasis added.*

The Examiner has further stated that *Burg* teaches a “... first access device that signals a voice browser (IVR system) to retrieve specified classes of information (HTML) (Col 3 lines 20-45, Abstract).” Applicant respectfully submits however that the aforementioned citations are unavailing to support the rejection of the Examiner. Contrary to the assertion of the Examiner, col. 3, lines 20-45 of *Burg* makes no mention of retrieval of HTML. Moreover, the Abstract of *Burg* states simply that “The system analyzes Uniform Resource Location (URL) links in HyperText Markup Language documents that comprise the Web menus and develops corresponding IVR menus.” *Emphasis added.* The Abstract does not appear to mention retrieval of HTML, as the Examiner has asserted.

Further, Applicant notes that claim 1 requires that “... wherein an icon of the icon group, when selected by the user, causes the second access device to generate the HTML code ...” *Emphasis added.* However, the Examiner has not asserted, much less established, that either of the purported “access devices” of *Burg*, namely “individual computer 84” and “telephone 87,” generates HTML code in response to user selection of an icon, as claim 1 requires.

As a final example, the Examiner has asserted that “Based upon correlation of HTML code requests with the classes of information, the IVR or WEB server (which may be combined as one unit) will access the appropriate classes of information and send them to the requesting device.” Applicant notes however that the Examiner has not provided any citations to *Burg* in support of this assertion. Applicant respectfully submits that such unsupported assertions cannot form a proper basis for rejection of the claims.

In view of the foregoing discussion, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 1, at least because even if the references are combined in the purportedly obvious fashion, the resulting combination nonetheless fails to include all the limitations of claim 1. That is, inasmuch as the Examiner has failed to establish that *Burg* teaches or suggests various limitations of claim 1 purported by the Examiner to be disclosed in that reference, the allegedly obvious combination of *Burg* and *Isensee* is unavailing to establish the *prima facie* obviousness of claim 1. Applicant thus respectfully submits that the rejection of claim 1 should be withdrawn. Applicant further submits that the rejection of corresponding dependent claims 2-5 lacks an adequate foundation for at least the reasons outlined

above, and the rejection of claims 2-5 should accordingly be withdrawn as well.

**2. claim 6**

Similar to claim 1, independent claim 6 requires, among other things “a server having an access module that connects with the at least one server over a network, the access module comprising a correlation module that correlates a request with specified classes of information using a correlation data structure ...” and “a voice browser that converts the signal generated by the first access device into a request for the specified classes of information from the at least one server, the voice browser transmitting the request to the access module ...” *Emphasis added.* As noted above in connection with the discussion of claim 1 however, the Examiner has failed to establish that the *Burg* teaches or suggests a variety of claim limitations, including the aforementioned limitations.

Further, Applicant notes that claim 6 requires “... a first access device of a first type connected to said network through the access module ...” As noted above however, the Examiner has failed to establish that *Burg* teaches or suggests such an “access module” and, accordingly, it follows that the Examiner has failed to establish that *Burg* teaches a “first access device connected to said network through the access module” as claim 6 requires.

Applicant thus respectfully submits that for at least the reasons outlined above, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 6 and the rejection of independent claim 6 should accordingly be withdrawn. Applicant further submits that the rejection of corresponding dependent claims 7-11 lacks an adequate foundation for at least the reasons outlined above, and the rejection of claims 7-11 should accordingly be withdrawn as well.

**3. claim 12**

Independent claim 12 requires, among other things “converting the first signal [generated by the first access device] into the HTML code if the first access device does not automatically generate the HTML code ...” With regard to the aforementioned “converting” process, the Examiner has asserted that *Burg* discloses “The IVR server comprises a ‘voice browser’ portion that converts speech received from the phone into a request signal ... (Col 3 lines 20-26) ... The request from the voice browser is an HTML code request that is passed to a correlating unit (within server 82 or 85) ... (Col 7 line 58 to Col 8 line 10).”

However, the passage of *Burg* cited by the Examiner, namely, col. 7 line 58 to col. 8 line 10, does not appear to indicate that “the request from the voice browser is an HTML code request” as the Examiner has asserted. Rather, that passage simply states, in part, that “These IVR support elements include an IVR 85 which is electronically linked to Web server 82, thereby allowing direct exchange of information and commands between Web server 82 and IVR server 85.” *Col. 8, lines 5-8.* Clearly, the foregoing passage provides little insight concerning the particular nature of the communication between “Web server 82 and IVR

server 85.”

Moreover, while the Examiner has alleged that *Burg* discloses the claim 12 limitation “... by *correlating* the HTML code with the specified class of information ...,” it was noted in the discussion of claim 1 above that the Examiner has failed to establish that *Burg* teaches or suggests the, similar, claim 1 limitation “... generate the HTML code that is correlated by the correlation module of the access module with the request for the specified class of information ...”

Finally, Applicant notes that claim 12 requires that “the second access device generates HTML code in response to selection of a particular icon included in the representation of the first numeric touchpad ...” *Emphasis added*. However, the Examiner has not asserted, much less established, that either of the purported “access devices” of *Burg*, namely “individual computer 84” and “telephone 87,” generates HTML code in response to user selection of an icon, as claim 12 requires.

Applicant thus respectfully submits that for at least the reasons outlined above, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 12 and the rejection of independent claim 12 should accordingly be withdrawn. Applicant further submits that the rejection of corresponding dependent claims 13-18 lacks an adequate foundation for at least the reasons outlined above, and the rejection of claims 13-18 should accordingly be withdrawn as well.

#### 4. claim 26

Similar to claim 1, independent claim 26 requires “... a server having an access module ... [that] receives the HTML code from at least one of the voice browser and the second access device, the access module accessing the specified class of information associated with a particular key or a particular icon selected by the user using a correlation data structure to correlate the HTML code with the specified class of information ...” It was noted earlier herein in connection with the discussion of claim 1 however that the Examiner has failed to establish that *Burg* teaches or suggest this limitation.

As well, Applicant notes that claim 26 requires that “... wherein an icon of the icon group, when selected by the user, causes the second access device to generate the HTML code ...” *Emphasis added*. However, the Examiner has not asserted, much less established, that either of the purported “access devices” of *Burg*, namely “individual computer 84” and “telephone 87,” generates HTML code in response to user selection of an icon, as claim 26 requires.

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 26, at least because even if the references are combined in the purportedly obvious fashion, the resulting combination nonetheless fails to include all the limitations of claim 26. Applicant thus submits that the rejection of independent claim 26 should be withdrawn. Applicant further submits that the rejection of corresponding dependent claims 27-31 lacks an adequate foundation for at

least the reasons outlined above, and the rejection of claims 27-31 should accordingly be withdrawn as well.

**5. claim 32**

Similar to claim 12, independent claim 32 requires, among other things “*converting* the input from the first device into an HTML code using a voice browser ...” *Emphasis added*. It was noted above in connection with the discussion of claim 12 however that the Examiner has failed to establish that *Burg* teaches or suggests such converting processes.

Claim 32 further requires “identifying a specific class of information from the HTML code using a correlation data structure ...” It was noted above in connection with the discussion of claim 1 however that the Examiner has failed to establish that *Burg* teaches or suggests such a “correlation data structure.”

Finally, Applicant notes that claim 32 requires that “... wherein the second access device generates the HTML code ...” *Emphasis added*. However, the Examiner has not asserted, much less established, that either of the purported “access devices” of *Burg*, namely “individual computer 84” and “telephone 87,” generates HTML code, as claim 32 requires.

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 32, at least because even if the references are combined in the purportedly obvious fashion, the resulting combination nonetheless fails to include all the limitations of claim 32. Applicant thus submits that the rejection of independent claim 32 should be withdrawn.

**B. rejection of claim 9**

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Burg* in view of *Isensee* and further in view of US 6,157,841 to Bolduc et al. (“*Bolduc*”). Applicant respectfully disagrees with the Examiner however and submits that for at least the reasons set forth below, the rejection should be withdrawn.

By virtue of its dependence from claim 6, claim 9 requires among other things “a server having an access module that connects with the at least one server over a network, the access module comprising a correlation module that correlates a request with specified classes of information using a correlation data structure ...” and “a voice browser that converts the signal generated by the first access device into a request for the specified classes of information from the at least one server, the voice browser transmitting the request to the access module ...” *Emphasis added*.

Moreover, Applicant notes that claim 9, by virtue of its dependence from claim 6, requires “... a first access device of a first type connected to said network through the access module ...” As noted above however, the Examiner has failed to establish that *Burg* teaches or suggests such an “access module” and, accordingly, it follows that the Examiner has failed to establish that *Burg* teaches a “first access device connected to said network through the access module” as claim 9 requires.

As noted above in connection with the discussion of claims 1 and 6 however, the Examiner has failed to establish that the cited references teach or suggest the aforementioned limitations. Applicant thus respectfully submits that for at least the reasons outlined in connection with that discussion, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 9 and the rejection of claim 9 should accordingly be withdrawn.

**III. Docket Number**

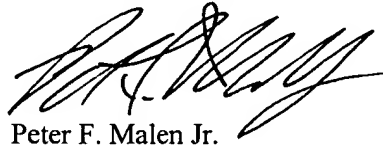
Applicant respectfully notes that the Office Action references Attorney Docket No. 14999.19. Applicant respectfully requests that all applicable USPTO records be updated to reflect docket number 15964.4 and Applicant further requests that further communications from the USPTO reference docket number 15964.4.

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-18 and 26-32 pending in this application is now in condition for allowance. Therefore, allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 29<sup>th</sup> day of December, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter F. Malen Jr.', written in a cursive style.

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